

2002. The PTO Form 1449 was not included with either the Office Action mailed July 31, 2002 or the Office Action mailed April 12, 2002 and Applicant respectfully requests, as indicated and agreed to by the Examiner on the Interview Summary dated September 24, 2002, that the Office consider the references listed thereon.

### Claim Rejections

In the Office Action, claims 1-2, 6, 8, and 10-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,002,450 to Darbee et al. (“Darbee”). Also, claims 3-5, 7, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Darbee in view of U.S. Patent No. 5,648,757 to Vernace et al. (“Vernace”). Applicant has herein amended claims 1, 6, and 11 and has canceled claim 10. Applicant submits that no new matter has been added. Applicant traverses the rejections as follows.

### Claims 1-5

Applicant submits that Darbee does not teach or suggest all of the elements of independent claim 1. For example, Darbee does not teach or suggest, among other things, “a light source attached to a top side of the housing and in communication with the processor, wherein the light source has no visual display function, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the light source to be lit upon receipt of the signal” as claimed in claim 1.

Darbee is directed to a two-way remote control with advertising display. The device in Darbee uses a motion detector circuit which, in various embodiments, is used “to determine if the user has picked up the remote control, at which time a popup overlay of the payload message can indicate the current status of the remote control” and “to place the remote control ... in a

given state when it is picked up by the user.” Darbee, col. 3, lines 33-36 and col. 6, lines 54-56. Applicants submit that such a display of a message or placement of the device in a “given state” is not effecting a light source to be lit, wherein the light source has no visual display function as claimed in claim 1.

Therefore, Applicant submits that Darbee fails to teach or suggest every limitation of claim 1 and, thus, Applicant submits that claim 1, and claims 2-5 which depend therefrom, are not anticipated by Darbee.

#### Claims 6 and 7

Applicant submits that Darbee does not teach or suggest all of the elements of independent claim 6. For example, Darbee does not teach or suggest, among other things, “a semi-transparent area located on a top side of the housing and having no input function and no output function, wherein the semi-transparent area is backlit when the light source is lit” as claimed in claim 6.

Darbee teaches that “back-lighting can be provide [sic] for illuminating the visual display ... or the keys on the keyboard.” Darbee, col. 6, lines 44-45. The visual display and the keys on the keyboard have an output and an input function, respectively. Applicants submit that, because these elements have output and input functions, such elements are not “a semi-transparent area located on a top side of the housing and having no input function” and no output function” as claimed in claim 6.

Therefore, Applicant submits that Darbee fails to teach or suggest every limitation of claim 6 and, thus, Applicant submits that claim 6, and claim 7 which depends therefrom, are not anticipated by Darbee.

Claims 8 and 9

Applicant submits that Darbee does not teach or suggest all of the elements of independent claim 8. For example, Darbee does not teach or suggest, among other things, “a plurality of lights attached to a top side of the housing and in communication with the processor” as claimed in claim 8. Further, Darbee does not teach or suggest, among other things, that “the plurality of lights do not backlight the plurality of keys” as claimed in claim 8.

The Office Action states that the “plurality of lights are inherently included in the plurality of keys in the keypad” and cites Darbee, col. 7, lines 3-5 for such a proposition. *See* Office Action, pg. 3. However, Darbee does not teach a plurality of lights in such passage, but instead teaches, at col. 7, lines 3-5, that “[t]he visual display ... can include a touch-sensitive display screen or touch sensitive pads/keys on the back of the hand held remote control ... beneath the visual display.” *See* Darbee, col. 7, lines 3-5. Furthermore, Applicant reminds the Office that, in order to anticipate a claim, “[t]he identical invention must be shown [in the reference] in as complete detail as is contained in the ... claim.” *See* MPEP § 2131. Also, Applicant reminds the Office that a rejection based on an inherency is proper when the “applicant claims a composition in terms of a function, property or characteristic and the composition of the prior art is the same as that of the claim but the function is not explicitly disclosed by the reference” and that inherency “may not be established by probabilities or possibilities.” *See* MPEP § 2112. Applicant thus submits that the Office’s assertion that “a plurality of lights” is inherently disclosed in Darbee is improper.

In the Office Action, the Examiner states that Darbee teaches that the “motion detector communicates a signal to the processor upon detection of motion of the device and wherein the processor effects a plurality of lights to be lit upon receipt of the signal (a motion detector

determines if the user picked up the remote control, a payload message can come up to the LCD 14 to indicate the current status of the remote control, the microcontroller 28 effects the LCD 14 to display a message).” *See* Office Action, pg. 4. Applicant submits that such a statement is inconsistent with the Office’s assertion that Darbee inherently teaches a plurality of lights included in the keys in the keypad because the above-cited statement indicates that Darbee teaches that a message is displayed upon detection of motion on an LCD display, which does not relate to the keys in the keypad.

Further, Darbee teaches that “back-lighting can be provide [sic] for illuminating the visual display 14 or the keys of the keyboard 15.” *See* Darbee, col. 6, lines 44-45. Darbee does not teach, among other things, “a plurality of lights attached to a top side of the housing ..., each of the lights corresponding to at least one of the keys, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, wherein the processor effects the plurality of lights to be lit upon receipt of the signal, and wherein the plurality of lights do not backlight the plurality of keys” as claimed in claim 8.

Therefore, Applicant submits that Darbee fails to teach or suggest every limitation of claim 8 and, thus, Applicant submits that claim 8, and claim 9 which depends therefrom, are not anticipated by Darbee.

#### Claim 11

Applicant submits that Darbee does not teach or suggest all of the elements of independent claim 11. For example, Darbee does not teach or suggest, among other things, “a user-controllable switch in communication with the light source for disabling the lighting of the light source while not disabling the remote control device” as claimed in claim 11.

In the Office Action, the Examiner states that Darbee “teaches a user-controllable switch in communication with the light source for disabling the lighting of the light source (driver 44 communicates with the LCD display, the remote control 10 is off) (col. 6, lines 5-7).” *See* Office Action, pg. 4. Applicant submits that the referenced passage does not mention a “switch” and only suggests that the remote device may be placed in a quiescent state or turned off while a display is maintained on the visual display. However, the passage does not disclose “a user-controllable switch … for disabling the lighting of the light source while not disabling the remote control device.” Instead, the passage discloses that the device is in a quiescent state or turned off, not that a light source is disabled.

Therefore, Applicant submits that Darbee fails to teach or suggest every limitation of claim 11 and, thus, Applicant submits that claim 11 is not anticipated by Darbee.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the claims

What is claimed is:

1. (Twice Amended) A remote control device, comprising:
  - a housing;
  - a processor located in the housing;
  - a motion detector in communication with the processor;
  - at least one input device in communication with the processor; and
  - a light source attached to a top side of the housing and in communication with the processor, wherein the light source has no visual display function, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the light source to be lit upon receipt of the signal.
  
6. (Twice Amended) A remote control device, comprising:
  - a housing,
  - a processor located in the housing;
  - a motion detector in communication with the processor;
  - at least one output device in communication with the processor;
  - a light source located in the housing and in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, and wherein the processor effects the light source to be lit upon receipt of the signal; and

a semi-transparent area located on a top side of the housing and having no input function and no output function, wherein the semi-transparent area is backlit when the light source is lit.

8. (Twice Amended) A remote control device, comprising:

a housing;

a processor located in the housing;

a motion detector in communication with the processor;

a keypad located on a top side of the housing and in communication with the processor, the keypad having a plurality of keys; and

a plurality of lights attached to a top side of the housing and in communication with the processor, each of the lights corresponding to at least one of the keys, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, [and] wherein the processor effects the plurality of lights to be lit upon receipt of the signal, and wherein the plurality of lights do not backlight the plurality of keys.

11. (Twice Amended) A remote control device, comprising:

a housing;

a processor located in the housing;

a motion detector in communication with the processor;

at least one input device in communication with the processor;

a light source in communication with the processor, wherein the motion detector communicates a signal to the processor upon detection of motion of the device, wherein the processor effects the light source to be lit upon receipt of the signal, and wherein the input device is backlit upon lighting of the light source; and

a user-controllable switch in communication with the light source for disabling the lighting of the light source while not disabling the remote control device.